



## VARIANCE APPLICATION

Please type or print legibly (use blue or black ink). All blanks must be complete. Use N/A where not applicable.

Date: \_\_\_\_\_

1)	Project Name			
	Property Address			

2)	Property Owner's Name				
	Mailing Address				
	City		State		Zip
	Contact Phone		Fax Number		
	Cell Phone		E-mail		

3)	Petitioner's Name				
	Mailing Address				
	City		State		Zip
	Contact Phone		Fax Number		
	Cell Phone		E-mail		

4)	Agent's Name				
	Mailing Address				
	City		State		Zip
	Contact Phone		Fax Number		
	Cell Phone		E-mail		

5)	Property is generally located near the following streets:			
	Size of subject property		+/- Acres	+/- Sq. Feet
	Existing Zoning			
	Present use of property			
	Proposed use of property			

6)	A Variance is requested to the City of Leesburg Ordinance to allow:			

7)	The reason or basis for this request is:

8)	Number of existing structures on property and their present use is:	
	Present Use Structure #1	
	Present Use Structure #2	
	Present Use Structure #3	

9)	Any previous applications filed within last 12 months of subject property?		Yes		No	
	If yes, describe nature of previous request:					

10)	State the <u>exact legal description</u> of the Planned Development is requested for. (Copy of Warranty Deed or Tax Receipt showing ownership must be submitted with application)				
	Section		Township		Range
	Alternate Key #				

## PROPERTY OWNER & AGENT AFFIDAVIT\*

DATE: \_\_\_\_\_

Before me, the undersigned authority personally appeared \_\_\_\_\_ (property owner's name), who being by me duly sworn on oath, deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires a VARIANCE to:

\_\_\_\_\_

3. That said authority (property owner) has appointed \_\_\_\_\_ (agent's name) to act in his behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and being by me duly sworn on oath, deposes and says:

- A. That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Leesburg, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Leesburg, Florida, and are not returnable.
- B. That the submittal requirements for the application have been completed and attached hereto as part of the application.

**\*PROPERTY OWNER MUST SIGN AFFIDAVIT.**

**WHEN AGENT IS REPRESENTING CASE, BOTH AGENT AND PROPERTY OWNER MUST SIGN AFFIDAVIT.**

\_\_\_\_\_  
PROPERTY OWNERS' SIGNATURE

\_\_\_\_\_  
AGENT'S SIGNATURE

STATE OF FLORIDA  
COUNTY OF LAKE

Sworn to (or affirmed) and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_.

Sworn to (or affirmed) and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced ID \_\_\_\_\_

Personally Known \_\_\_\_\_ OR Produced ID \_\_\_\_\_

Type of Identification  
Produced \_\_\_\_\_

Type of Identification  
Produced \_\_\_\_\_

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
NOTARY SEAL

\_\_\_\_\_  
NOTARY SEAL

## CHECKLIST FOR VARIANCE APPLICATION COMPLETION

The following information is required to be submitted when applying for a VARIANCE:

1. \_\_\_\_\_ Filing fee \$450.00 (Please make check payable to CITY OF LEESBURG)
2. \_\_\_\_\_ General application form (pg. 1 & 2).
3. \_\_\_\_\_ Authorization for property owner/agent representation (pg. 3).
4. \_\_\_\_\_ Copy of recorded Warranty Deed or latest Tax Receipt showing who the current fee simple titleholders (property owners) are.
5. \_\_\_\_\_ Map showing general location of the site.
6. \_\_\_\_\_ Site plan, drawn to an appropriate scale, on a maximum size 11" x 17" reproducible sheet, showing the following information:
  - \_\_\_\_\_ Project name, street location, and number.
  - \_\_\_\_\_ Size and shape of lot.
  - \_\_\_\_\_ North arrow, date, and scale.
  - \_\_\_\_\_ Name, address, telephone number of the property owner and petitioner.
  - \_\_\_\_\_ Location and dimensions of all existing and proposed structures, their intended use, and setback distances from all property lines and roadways.
  - \_\_\_\_\_ Size, location, and variety of trees to be removed and to be saved.
  - \_\_\_\_\_ Existing and proposed means of vehicle access to the property.
  - \_\_\_\_\_ Location of off-street parking and loading areas, showing the number of spaces and the dimensions of access aisles and driveways.
  - \_\_\_\_\_ Identify future expansion, if planned.

### PROCEDURES:

1. Application shall be submitted to Leesburg Planning & Zoning Division Contact the Planning & Zoning Division (352-728-9760) for deadline dates.
2. Upon receipt of a COMPLETE & CORRECT application, the Planning & Zoning Division shall proceed with the request in accordance with the following:
  - A. The owners of all property abutting the property shall be notified by mail.
3. Failure to provide an accurate and complete application will result in automatic rejection and return of the application and delay of the hearing date.
4. The property owner or authorized agent (authorization must be on file at Leesburg Planning & Zoning Division) must attend the Planning & Zoning Commission meeting

## **CRITERIA FOR GRANTING OF VARIANCE(S)**

### **Sec. 25-94. Variances**

(a) The Board of Appeals shall authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. In order to authorize a variance from the terms of this chapter, the board shall find:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from the actions of the applicant, owner, or any predecessor in title;
- (3) That granting the variance requested shall not confer on the applicant any special privilege that is defined by this chapter to other lands, buildings or structures in the same zoning district;
- (4) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that shall make possible the reasonable use of land, buildings or structure;
- (6) That the grant of the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(b) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. The Board of Appeals may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both. Under no circumstances shall the Board of Appeals grant a variance to permit a use not generally or by conditional use permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this chapter in the zoning district. No non-conforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

### **ACKNOWLEDGEMENT:**

I have read and understand the above criteria that must be met in order for a variance to be granted by the Board of Appeals.

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Name

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Date